

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-31715-2022(O&M)

Date of Decision: 08.12.2022

RAGHU @ RAGHAV @ AJAY @ SOMBIR @ MANIYA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. VB Godara, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.395 dated 14.12.2017, registered under Section 307 IPC and Section 25 of the Arms Act and Sections 216 and 120-B IPC (added later on) at Police Station Narnaund, District Hansi.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been indicted on the basis of the disclosure statement of the co-accused; that no injury has been attributed to the petitioner; that the petitioner was declared as a proclaimed offender on 22.10.2019 and was re-arrested on 18.02.2021 in another FIR No.84 dated 18.02.2021, under Section 174-A IPC; that the petitioner has been in custody since 18.02.2021; that no recovery was effected from the petitioner; that the similarly situated co-accused, namely, Gautam, from whom a pistol of .32 bore was recovered, has already been granted the

concession of bail. He further submits that as far as other cases registered and/or pending against the petitioner are concerned, he is on bail in the said cases and that most of the prosecution are yet to be examined.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that the petitioner is a habitual offender and there are five more cases against him, though under different Sections. He further submits that the petitioner is a member of Rakesh Midda gang and a sharp-shooter and that the complainant had suffered gun shot injury on his head and right arm and another injured (salesman) had suffered on his left knee and right hand. Thus, he does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.02.2021. Neither any injury nor any specific role has been attributed to the petitioner; The petitioner has been indicted on the basis of the disclosure statement of the co-accused. Similarly situated co-accused has already been enlarged on bail. Recovery has already been effected in the present case. As per the learned counsel for the petitioner, as far as other cases registered and/or pending against the petitioner are concerned, he is on bail in the said cases. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.12.2022

(HARNARESH SINGH GILL)
JUDGE

Aman Jain

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>